

## DECISION MEMORANDUM

**TO:** COMMISSIONER KEMPTON  
COMMISSIONER SMITH  
COMMISSIONER REDFORD  
COMMISSION SECRETARY  
COMMISSION STAFF  
LEGAL

**FROM:** NEIL PRICE  
DEPUTY ATTORNEY GENERAL

**DATE:** DECEMBER 18, 2009

**SUBJECT:** APPLICATION OF MITEL NETSOLUTIONS, INC. FOR A  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, CASE  
NO. ITN-T-09-01

On November 25, 2009, Mitel NetSolutions, Inc. (“Mitel” or “Company”) filed an Application for a Certificate of Public Convenience and Necessity pursuant to *Idaho Code* §§ 61-526 through 528, IDAPA 31.01.01.111 and Commission Order No. 26665 to provide local exchange telecommunications services within the state of Idaho.

### THE APPLICATION

Mitel is a Texas corporation and lists its principal place of business as Chandler, Arizona. *Application* at 1-2. Mitel is registered with the Idaho Secretary of State as a foreign company and has contracted with Corporation Service Company, 1401 Shoreline Drive, Boise, Idaho 83702, as its Idaho registered agent for service. *Id.* at 2. Mitel has no office in the State of Idaho. *Id.* at 1.

Mitel wishes to “provide resold local exchange service throughout the service areas of Qwest North, Qwest South and Verizon, utilizing the facilities of the incumbent LECs (ILECS).” *Id.* at 2. Mitel does not plan to install facilities in Idaho. *Id.* at 4. The Company “intends to provide all forms of intrastate local exchange and interexchange telecommunications services including:” switched local exchange, non-switched local service (e.g., private line), Centrex and/or Centrex-like services, and Digital subscriber line (ISDN). *Id.* at 5. The Company requests authority to “resell local exchange services initially throughout the State where provided

by incumbent LECs,” except areas already serviced “by any LECs which are eligible for a small or rural carrier exemption. . . .” *Id.* at 5.

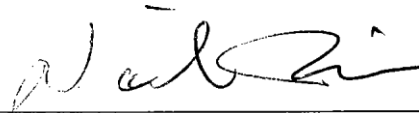
In its filing, Mitel has attached a copy of its illustrative tariff. *Id.* at 7, Exhibit 5. The Company has “reviewed the laws and regulations of this Commission governing local exchange telecommunications services in Idaho” and agrees to “provide service with all laws, rules and regulations to the extent they are not preempted by the Federal Act.” *Id.* at 8. Mitel states that it “has not initiated interconnection or resale negotiations” for network interconnection. *Id.* The Company will not require advanced payments or deposits from its customers; therefore, no escrow account is being filed. *Id.*

#### **STAFF RECOMMENDATION**

Staff has reviewed Mitel’s Application and recommends that it be processed through Modified Procedure.

#### **COMISSION DECISION**

Does the Commission wish to process Mitel’s Application for a Certificate of Public Convenience and Necessity through Modified Procedure?

A handwritten signature in black ink, appearing to read 'Neil Price', is written over a horizontal line.

Neil Price  
Deputy Attorney General

M:ITN-T-09-01\_np